

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

REGINALD LANGHAM,)	
)	
Plaintiff,)	
)	
v.)	7:09-CV01534-SLB-PWG
)	
SOUTH TENNESSEE OIL CO., INC.,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

The magistrate judge filed a report and recommendation on August 20, 2009, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2). The plaintiff filed a Motion to Remand on September 9, 2009 requesting that the court remand this action to the Circuit Court of Colbert County, Alabama, pursuant to 28 U.S.C.A. § 1447(c), or alternatively, that the court extend subject matter jurisdiction. In fact, the complaint alleges only state law claims between non-diverse parties. This court clearly lacks subject matter jurisdiction, and remand to state court is not appropriate in this case.¹ *See Faye v. High's of Baltimore*, 541 F.Supp.2d 752 (D. Md. 2008); 28 U.S.C.A. § 1447(c). Plaintiff's Motion to Remand (doc. #5) is **DENIED**.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is

¹The plaintiff may initiate a new action in state court.

ACCEPTED. Accordingly, the complaint is due to be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2). A Final Judgment will be entered.

DATED this 23rd day of November, 2009.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE